IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Bail Appl..No. 526 of 2007()

CRIME NO. 18/04 OF THAMARASSERY POLICE STATION

PETITIONER/2ND ACCUSED:

A.M. ABDUL MAJEED, S/O.A.MUHAMMED KUNHI,
AGED 40 YEARS, BENDICHAL HOUSE, THEKIL P.O.,
KASARAGODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.

2. THE S.I. OF POLICE,
THAMARASSERY POLICE STATION, THAMARASSERY,
KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON 06/02/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 526 of 2007

DATED: January 6th , 2007

O R D E R

Petitioner who is the 2nd accused in Crime No. 18/2004 of Thamarassery Police Station for offences punishable under Sections 420 and 471 read with Sec. 34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the J.F.C.M., Thamarassery where the case is pending as C.C. 419/04 non-bailable warrants of arrest are pending against the petitioner.

4. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. If the petitioner has a grievance that he did not receive summons in the case, it is open to the petitioner to convince the Magistrate about this fact. Accordingly, if the petitioner surrenders before the Judl. First Class Magistrate, Thamarassery, and files an application for regular bail within two weeks from today, the same shall be considered on merits after examining the grievance of the petitioner that he did not receive summons and shall be disposed of preferably on the same date on which it is filed. Such consideration and disposal shall be notwithstanding the pendency of any warrants against the petitioner.

With the above observation this application is dismissed.

V. RAMKUMAR, JUDGE.

Sd/-V.RAMKUMAR,
JUDGE.

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